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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TOMOMI FUNAYAMA, ET AL.

: EXAMINER: T. CHEN

SERIAL NO: 09/938,611

:

FILED: AUGUST 27, 2001

: GROUP ART UNIT: 2652

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COMMISSIONER FOR PATENTS  
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SIR:

In response to the Election Requirement dated April 25, 2003, Applicants provisionally elect with traverse Species 1a, drawn from Figs. 1 and 2 on which claims 1-8 and 10 are readable. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions.

The Election Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present invention would have to be searched in only a small handful of sub-classes, and would in any event appear to be part of an overlapping search area. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds

that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain numerous separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-19 be conducted.

Respectfully submitted,

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